

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TIMOTHY MAYO,

Plaintiff,

v.

CITY OF SCRANTON,

Defendant.

CIVIL ACTION NO. 3:10-CV-0935

(JUDGE CAPUTO)

MEMORANDUM

Before me is Motion to Compel Compliance with 30(b)(6) Notice (Doc. 17) in which Plaintiff essentially seeks to have a different witness designated than the one designated by the Defendant.

In this case, Plaintiff noticed a deposition under 30(b)(6) of the Federal Rules of Civil Procedure, and specified some twelve areas for inquiry. The Defendant designated Chief Daniel Duffy of the Scranton Police Department.

At the outset of the deposition, Chief Duffy apparently indicated he had no personal knowledge of the twelve areas of designated inquiry, as he was not present when they occurred. Plaintiff terminated the deposition on the basis that Chief Duffy had no personal knowledge of those areas of inquiry.

Under Rule 30(b)(6), there is no requirement that the organization's designee have personal knowledge of the subjects into which inquiry is sought. Rather, the designee should be prepared by the organization to respond substantively on behalf of the organization. If the designee cannot be fully prepared to respond, then the organization is required to designate another to respond where the original designee cannot.

Here, it is unknown whether Chief Duffy is able to respond on any of the twelve areas of inquiry because the Plaintiff terminated the deposition because he did not have personal knowledge of those areas. As noted, personal knowledge is not required so long as the designee is prepared with the knowledge of the organization to respond. There was no opportunity to know whether Chief Duffy is able to respond on behalf of the Scranton Police Department to the designated areas of inquiry in Plaintiff's 30(b)(6) Notice.

The motion will therefore be denied. The deposition will be reconvened, and shall proceed in accordance with Rule 30(b)(6).

An appropriate Order follows.

Date: June 11, 2012

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge _____